

FILED  
Clerk  
District Court

MAY - 9 2006

Robert D. Bradshaw  
PO Box 473  
1530 W. Trout Creek Road  
Calder, Idaho 83808  
Phone 208-245-1691

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

Plaintiff, Pro Se

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW

) Case No. CV 05-0027

Plaintiff

v.

COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS (hereafter referred to  
as the CNMI); et. al.

Defendants

) PLAINTIFF'S MEMORANDUM  
) OPPOSING DEFENDANT SOSEBEE'S  
) MOTION TO QUASH SERVICE OF  
) SUMMONS

) Hearing at 0900 AM, May 25, 2006

) Judge Alex R. Munson

1. Comes now plaintiff to oppose Defendant L. David Sosebee's Motion to Quash service of Summons on him.

2. In accordance with 7 CMC 1104(a), plaintiff attempted service on defendant Sosebee by certified mail, return receipt requested. Mr Sosebee refused this mailing (copies of these mailing documents are on file in the 05-0027 case file). On Nov 17, 2006, the Court ordered service by publication (plaintiff mailed a copy of the order to defendant in Texas).

3. On Feb 9, 16, 23 and Mar 2, 2006 service by publication was made in the Marianas Variety paper, per the court order. Copies of these notices have been filed in the case file.

4. In March 2006, plaintiff also mailed copies of the summons, amended complaint and second amended complaint all to Mr Sosebee in Texas by regular first class mail with delivery confirmations. While plaintiff had no obligation to mail these documents to Mr Sosebee, they were mailed as a courtesy to him.

5. Per Mr Sosebee's motion to quash, it appears that he received at least the Second Amended Complaint. Per the delivery confirmation records filed with the court, the Post Office says that all of these mailings were delivered to the defendant in Texas.

5. In paragraph 5 of Mr Sosebee's declaration in support of his motion, he claims that he never received Plaintiff's first Amended complaint. Yet, per the Post office confirmation (#0304 7990 0000 3040 3945, as filed in the return of service on this item filed in the court on or about Apr 25, 2006), Mr Sosebee did receive the first amended complaint as well as the complaint and the summons on Mar 6, 2006.

5. . On April 24, 2006, plaintiff filed a default motion in the court for not answering. The next day a notice was filed with the court on plaintiff's failure to receive Mr Sosebee's answer. This motion and notice were also mailed by first class mail to Mr Sosebee as a courtesy.

6. The courtesy mailings of the summons, the complaint, the amended complaint, the Second Amended Complaint and other documents do not negate, alter or invalidate the service made by publication in the local Saipan paper. The newspaper notices surely came to Mr Sosebee's attention via his local attorney, the CNMI AG.

7. Mr Sosebee's motion to quash should be denied. Legal service has been made on Mr Sosebee per 7 CMC 1104(b). A proposed order is attached.

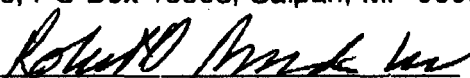
I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Dated this 7th day of May 2006 at Calder, Idaho.

  
Robert D. Bradshaw, Plaintiff, Pro Se

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of May 2006, I caused to be served a true copy of the foregoing document by US Mail Postage Paid to each of the following:

Jay H. Sorensen, c/o Shanghai, PO Box 9022, Warren, MI 48090-9022  
Kristin St Peter, Asst Attorney General, Caller Box 10007, Capitol Hill, Saipan, MP 96950  
Patrick Civile, Civile & Tang, PLLC, PMB 86, PO Box 10003, Saipan, MP 96950

  
Robert D. Bradshaw, Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

ROBERT D. BRADSHAW

) Civil Action No. 05-0027

Plaintiff

v.

COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS (hereafter referred to  
as the CNMI);  
Defendants

) **(PROPOSED) ORDER**  
)  
)  
)

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Defendant L. David Sosebee's Motion to Quash Service of Summons is denied.

**IT IS SO ORDERED.**

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

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ALEX R. MUNSON  
Judge